

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

K.C. HOPPS, LTD.,

Plaintiff,

v.

THE CINCINNATI INSURANCE COMPANY,  
INC.,

Defendant.

Case No. 4:20-cv-00437-SRB

**EXHIBIT INDEX**

✓ = offered & admitted w/o objection Ex = offered, but objected to and excluded DB = admitted, de bene				Ltd = admitted for limited purposes X = offered & admitted over objection NO = marked, but not offered WD = offered then withdrawn
Exhibit Number	Action Taken	Date	Time	Description
1				Goodman CV – 79 pages
2				1/26/20 CDC Media Statement – 2 pages
3				1/31/20 Public Health Emergency determination
4				3/13/20 President Proclamation – 2 pages
5				Excerpt from Goodman report
6				Excerpt from Goodman report
7				Excerpt from Goodman report
8				Excerpt from Goodman report
9				Excerpt from Goodman report
10				3/24/20 Property Loss Notice (Dowdy Dep Ex 10) - 11 pages
11				10/5/20 Defendant The Cincinnati Insurance Company's Responses and Objections to Plaintiff's First Request for Production of Documents (Dowdy Dep Ex 11) - 7 pages
12				4/29/21 Defendant The Cincinnati Insurance Company's Answer and Defenses to Plaintiff's First Amended Complaint (Dowdy Dep Ex 12) - 21 pages

## Continuation

Case No. 4:20-cv-00437-SRB

EXHIBIT INDEX

Exhibit Number	Action Taken	Date	Time	Description
13				3/29/21 Expert Report of Marc Goodman, PhD, MPH (Goodman Dep Ex A) - 104 pages
14				Virology Journal article "The effect of temperature on persistence of SARS-CovV-2 on common surfaces" (Goodman Dep Ex C, Thomann Dep Ex 6) - 7 pages
15				4/11/21 Marc Goodman/Epidemiology Consultant Services invoice to Miller Schirger for consulting services (Goodman Dep Ex D) - 4 pages
16				3/29/21 Expert Report of Kevin Grudzien with attached exhibits (Grudzien Dep Ex 1) - 727 pages
17				2/11/21 PYXIS Group invoice to Stueve Siegel Hanson for professional services rendered (Grudzien Dep Ex 2) - 4 pages
18				3/10/21 PYXIS Group invoice to Stueve Siegel Hanson for professional services rendered (Grudzien Dep Ex 3) - 4 pages
19				4/9/21 PYXIS Group invoice to Stueve Siegel Hanson for professional services rendered Grudzien Dep Ex 4) - 15 pages
20				12/3/20 PYXIS Group engagement letter to Stueve Siegel Hanson (Grudzien Dep Ex 5) - 6 pages
21				Notes re business interruption (Grudzien Dep Ex 6)
22				Notes re Stroud's and O'Dowd's (Grudzien Dep Ex 7) - 2 pages
23				PYXIS Group notes re Non-Continuing Expenses (Grudzien Dep Ex 8) - 3 pages
24				1/8/21 PYXIS Group memo re introduction to insured call/meeting (Grudzien Dep Ex 9, O'Brien Dep Ex 1) - 2 pages
25				3/16/21 PYXIS Group memo re file status with insured call/meeting (Grudzien Dep Ex 10, Nelson Dep Ex 22) - 3 pages
26				Business interruption notes (Grudzien Dep Ex 11)
27				Expense notes (Grudzien Dep Ex 12) - 2 pages
28				3/18/21 PYXIS Group memo re draft calculation call/meeting (Grudzien Dep Ex 13, Nelson Dep Ex 23)
29				Internal notes re adjustments to calculations (Grudzien Dep Ex 14) - 2 pages
30				Cincinnati Insurance Company Commercial Property Coverage Part Declarations re business interruption (Grudzien Dep Ex 15) - 17 pages
31				5/24/21 Notice to Take Deposition Duces Tecum of Kevin Grudzien (Grudzien Dep Ex 16) - 4 pages
32				How does COVID-19 impact my existing Business Interruption claim? by Kevin Grudzien (Grudzien Dep Ex 17) - 5 pages
33				4/30/21 Expert report of David Schlader (Grudzien Dep Ex 18, Schlader Dep Ex 2) - 15 pages
34				Defendant The Cincinnati Insurance Company's Supplemental Response to Plaintiff's First Interrogatories Number 6 (Henn Dep Ex 1) - 5 pages
35				9/22/06 T. Schmittou email to M. Broerman re ISO Exclusion of Loss Due to Virus or Bacteria (Henn Dep Ex 2) - 3 pages
36				The Cincinnati Insurance Company Commercial Property Coverage Part Declarations re business interruption (Henn Dep Ex 3) - 101 pages
37				2002 Farm Property - Farm Dwellings, Appurtenant Structures and Household Personal Property Coverage Form (Henn Dep Ex 4) - 9 pages
38				2008 Cause of Loss Form - Farm Property (Henn Dep Ex 5) - 10 pages

## Continuation

Case No. 4:20-cv-00437-SRB

EXHIBIT INDEX

39				2007 Endorsement re Exclusion of Loss Due to Virus or Bacteria (Henn Dep Ex 6)
40				2006 Endorsement - Massachusetts Exclusion of Loss Due to Virus or Bacteria (Henn Dep Ex 7)
41				2008 Endorsement - Alaska Exclusion of Loss Due to Virus or Bacteria (Henn Dep Ex 8)
42				2006 Endorsement - Exclusion of Loss Due to Virus or Bacteria (Henn Dep Ex 9)
43				4/18/06 L. Newman email to J. Pineda re Biological Contamination (Henn Dep Ex 10) - 29 pages
44				Defendant The Cincinnati Insurance Company's Privilege Log Concerning Supplementation of Interrogatory 6 (Henn Dep Ex 11)
45				3/29/21 Opening Expert Report of Dr. Alexander M. Klibanov (Klibanov Dep Ex A) - 73 pages
46				5/25/21 Notice to Take Deposition Duces Tecum for Alexander Klibanov (Klibanov Dep Ex B) - 4 pages
47				3/31/21 A. Klibanov invoice to Stueve Siegel Hanson for expert consulting services rendered (Klibanov Dep Ex C)
48				5/31/21 Defendant The Cincinnati Insurance Company, Inc.'s Notice of Deposition of Plaintiff K.C. Hopps, Ltd. Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure (Nelson Dep Ex 1) - 5 pages
49				6/1/21 M. Lytle email to M. Brown re KC Hopps v. Cincinnati 4:20-CV-00437-SRB - Notice to Take Deposition (Nelson Dep Ex 2) - 7 pages
50				12/29/20 First Amended Complaint and Demand for Jury Trial (Nelson Dep Ex 3) - 20 pages
51				1/25/20 The Cincinnati Insurance Company Common Policy Declarations (Nelson Dep Ex 4) - 5 pages
52				Binder containing declaration and executive orders from Kansas and Missouri (Nelson Dep Ex 5) - 257 pages
53				2/5/21 Plaintiff K.C. Hopps, Ltd.'s Answers and Objections to Defendant The Cincinnati Insurance Company's First Set of Written Interrogatories (Nelson Dep Ex 6) - 12 pages
54				KC Hopps notice "What is the Mask Requirement" (Nelson Dep Ex 7)
55				KC Hopps notice re table not being seated for service (Nelson Dep Ex 8)
56				3/24/20 Property Loss Notice (Nelson Dep Ex 9) - 6 pages
57				Kindred CPA transmission of 2019 federal and Kansas tax returns (Nelson Dep Ex 12) - 14 pages
58				2/11/21 Paycheck Protection Program Second Draw Borrower Application Form for Arena Promotions, LLC (Nelson Dep Ex 13) - 6 pages
59				Paycheck Protection Program Second Draw Borrower Application Forms for various KC Hopps entities (Nelson Dep Ex 14) - 10 pages
60				4/10/20 Notices of Paycheck Protection Program Forgiveness Payment for various KC Hopps entities (Nelson Dep Ex 15) - 10 pages
61				1/24/20 . Lore email to D. Tuke re KC Hopps - EPP1024051 (Nelson Dep Ex 16) - 2 pages
62				12/3/19 JR Reilly email to Douglas Tuke re KC Hopps (Nelson Dep Ex 17)
63				4/20/20 B. Genail email to D. Lagrisse re Insurance Policy Delivery (Nelson Dep Ex 18) - 2 pages

## Continuation

Case No. 4:20-cv-00437-SRB

**EXHIBIT INDEX**

64				8/7/20 R. Clark/Cincinnati Insurance letter to KC Hopps Ltd. regarding claim and coverage (Nelson Dep Ex 19) - 3 pages
65				2/11/21 Kansas City Star article, "Kansas City bar and restaurant sues mayor over COVID-19 restrictions" (Nelson Dep Ex 20) - 4 pages
66				1/28/21 Petition for Writ of Prohibition in State of Missouri, ex rel O'Dowd's LLC d/b/a O'Dowd's Gastrobar v. Quinton Lucas (Nelson Dep Ex 21) - 14 pages
67				5/25/21 Arena Promotions balance sheet ((O'Brien Dep Ex 2) - 2 pages
68				CARES Act Small Business Grant Program Arena Promotions, LLC reimbursement worksheet (O'Brien Dep Ex 3) - 3 pages
69				Barleys balance sheets and income statements (O'Brien Dep Ex 4) - 15 pages
70				Blue Moose Falcon Ridge balance sheets and income statements (O'Brien Dep Ex 5) - 15 pages
71				Blue Moose Prairie Village balance sheets and income statements (O'Brien Dep Ex 6) - 15 pages
72				Blue Moose Red Bridge balance sheets and income statements (O'Brien Dep Ex 7) - 15 pages
73				Briarcliff Events balance sheets and income statements (O'Brien Dep Ex 8) - 15 pages
74				Hopps Catering balance sheets and income statements (O'Brien Dep Ex 9) - 15 pages
75				Hopps Management balance sheet (O'Brien Dep Ex 10)
76				O'Dowd's Plaza balance sheets and income statements (O'Brien Dep Ex 11) - 15 pages
77				Strouds 135th Street balance sheets and income statements (O'Brien Dep Ex 12) - 15 pages
78				Excerpts from The Reilly Company, LLC website (Reilly Dep Ex 1) - 17 pages
79				9/8/16 Affidavit of J. R. Reilly in Jeff Reed v. The Reilly Company, LLC (Reilly Dep Ex 2) - 3 pages
80				4/20/20 B. Genail email to D. Lygrisse re Insurance Policy Delivery (Reilly Dep Ex 3)
81				12/3/19 D. Tuke email to J.R. Reilly re KC Hopps (Reilly Dep Ex 4)
82				12/8/20 JR Reilly email to K. Lore re O'Dowds Closing (Reilly Dep Ex 5) - 2 pages
83				1/24/20 K. Lore email to D. Tuke re KC Hopps - EPP124051 (Reilly Dep Ex 6) - 9 pages
84				KC Hopps policy proposal for term 1/25/20 - 1/25/21 (Reilly Dep Ex 7) - 12 pages
85				3/11/20 J.R. Reilly email to A. Loetel re Door Dash/Uber Eats/Etc. (Reilly Dep Ex 8) - 2 pages
86				5/5/20 J.R. Reilly email to K. Ravenscraft re KC Hopps LTD - EPP 1023051 1/25/20 exp. (Reilly Dep Ex 9) - 3 pages
87				10/31/20 J.R. Reilly email to K. Lore re KC Hopps (Reilly Dep Ex 10)
88				11/29/20 J.R. Reilly email to K. Lore re Blue Moose Lenexa (3300585845) (Reilly Dep Ex 11) - 2 pages
89				12/13/19 - 1/25/21 Log Spreadsheet (Reilly Dep Ex 12) - 4 pages
90				Common Policy Declarations for KC Hopps Ltd (Reilly Dep Ex 13) - 2 pages
91				Business Income Worksheet Actual Loss Sustained Coverage for KC Hopps, Ltd. (Reilly Dep Ex 14) - 2 pages

## Continuation

Case No. 4:20-cv-00437-SRB

**EXHIBIT INDEX**

92				6/20/20 J.R. Reilly email to T. Wagner re ODP Protesting Outline and events (Reilly Dep Ex 15) - 6 pages
93				6/29/20 R. Clark/Cincinnati Insurance letter to KC Hopps Ltd re Claim #3561736 (Reilly Dep Ex 16) - 10 pages
94				6/30/20 J.R. Reilly email to R. Clark re Plaza Riot Claims (Reilly Dep Ex 17) - 7 pages
95				8/25/20 J.R. Reilly email to R. Clark re Claim 3561736 KC Hopps (Reilly Dep Ex 18) - 11 pages
96				3/24/20 J.R. Reilly email to T. Wagner re KC Hopps (Reilly Dep Ex 19)
97				3/31/20 J.R. Reilly email to K. Lore re KC Hopps (Reilly Dep Ex 20) - 7 pages
98				Copy of Schlader paper file (Schlader Dep Ex 1) - 528 pages
99				5/26/21 D. Schlader supplemental expert report (Schlader Dep Ex 3) - 5 pages
100				4/30/21 Buchanan Clarke Schlader LLP Invoice #120242 issued to Wallace Saunders for accounting services rendered (Schlader Dep Ex 4) - 3 pages
101				Cincinnati Insurance Commercial Property Coverage Part Declarations (Schlader Dep Ex 5) - 101 pages
102				Definitions of operating activities and financing activities (Schlader Dep Ex 6)
103				Expert Report of Dr. Wayne Thomann (Thomann Dep Ex 1) - 14 pages
104				Curriculum Vitae for Wayne R. Thomann (Thomann Dep Ex 2) - 17 pages
105				5/5/21 Duke Occupational Health Services Invoice #00117806-00 issued to Litchfield Cavo, LLP (Thomann Dep Ex 3)
106				4/20/20 Stability of SARS-CoV-2 in different environmental conditions (Thomann Dep Ex 4)
107				7/3/20 Exaggerated risk of transmission of COVID-19 by fomites (Thomann Dep Ex 5) - 3 pages
108				2/4/21 COVID-19 Rarely Infects Through Surfaces, So Why Are We Still Deep Cleaning? (Thomann Dep Ex 7) - 4 pages
109				Wayne R. Thomann, DrPH webpages from Duke Family Medicine & Community Health website (Thomann Dep Ex 8) - 3 pages
110				4/5/21 CDC article, "Science Brief: SARS-CoV-2 and Surface (Fomite) Transmission for Indoor Community Environments" (Thomann Dep Ex 9) - 6 pages
111				5/7/21 CDC article, "Scientific Brief: SARS-CoV-2 Transmission" - summary of recent changes (Thomann Dep Ex 10) - 4 pages
112				4/5/21 CDC article "Cleaning and Disinfecting Your Facility" (Thomann Dep Ex 11) - 9 pages
113				12/16/20 CDC article, "Considerations for Restaurant and Bar Operators" (Thomann Dep Ex 12) - 12 pages
114				4/9/21 CDC article, "Strategies for Optimizing the Supply of N95 Respirators" (Thomann Dep Ex 13) - 23 pages
115				4/21/20 Corbly email to K. Yerigan re CA BIS 2020 - Group 0244 - 3 pages
116				2006 Endorsement re Exclusion of Loss Due to Virus or Bacteria
117				2006 Endorsement re Exclusion of Loss Due to Virus or Bacteria

## Continuation

Case No. 4:20-cv-00437-SRB

EXHIBIT INDEX

118				M. Broerman email to T. Schmittou re Cyber Exclusions Communication with attached Communicable Disease Communication to Associates Q1 2021 - 2 pages
119				2/3/21 T. Huberty email to multiple parties re 2021 Reinsurance Treaty Exclusion Language with attached 2021 Treaty Exclusion Language document - 16 pages
120				2/10/21 T. Huberty email to multiple parties re Communicable Disease screen mockup with attached screens - 8 pages
121				9/22/06 M. Broerman email to R. Wilson, J. Mintz and R. Taphorn re ISO Exclusion of Loss Due to Virus or Bacteria
122				3/15/21 J. West email to multiple parties re CLD Portfolio Quarterly Update with attached CLD Portfolio Update - 03 16 21 - 21 pages
123				4/3/20 M. Broerman email to self re ISONet Circular Alert Service - Advisory Notice - CP, BOP, Farm with attached LI-CF 2020-033 Advisory Notice CP - 12 pages
124				3/18/20 M. Broerman email to T. Huberty and T. Schmittou re New York Department of Financial Services Coronavirus Special Call - ISO circular with attached ISO Li-CL-2020-010 - 8 pages
125				3/20/20 T. Huberty email to multiple parties re Agent Communication with attached Agency portal update - March 20 - 5 pages
126				7/20/20 CustomerCare email to M. Broerman re NILS State Filing PC Alert - MI
127				4/3/20 M. Broerman email to J. Bradburn re status - 4 pages
128				4/6/20 D. Stephens email to multiple parties re E-mail Alert from Competiscan: New Trend Report - Commercial Competiscan Alert: Business Interruption Coverage in Commercial Insurance with attachments - 34 pages
129				5/28/20 M. Broerman email to self re Business Income Form Comparison with attached Biz Income FA 212 vs ISO CP0030 - 3 pages
130				3/16/20 T. Huberty email to multiple parties re Coronavirus Coverage Questions - 2 pages
131				5/12/20 T. Schmittou email to multiple parties re SIR COVID-19 Survey & FREE Webinars - 5 pages
132				5/4/20 J. Bradburn email to M. Broerman re delayed - 2 pages
133				5/5/20 J. Broerman email to M. Broerman, R. Broerman and M. Broerman re Coverage - 2 pages
134				3/19/20 T. Schmittou email to multiple parties re ISO COVID-19 Roundtable Announced - 2 pages
135				5/4/20 M. Bradburn email to M. Broerman re delayed - 3 pages
136				4/15/20 M. Broerman email to M. Broerman re ISO Exclusion of Loss Due to Virus or Bacteria - 2 pages
137				3/20/20 T. Huberty email to multiple parties re Agent Communication with attached Agency portal update - March 20 - 4 pages
138				4/30/20 J. Bradburn email to M. Broerman re status - 4 pages
139				3/20/20 T. Huberty email to multiple parties re Agent Communication with attached Agency portal update - March 20 - 4 pages
140				S. Corbly email to DFS.Property-Casualty-Letters re New York "308 Letter - C-19 Exclusions" with attachments - 7 pages
141				6/5/20 A. Schnell email to S. Corbly re Our File No. 63735; Pol. No. EPP0517458 with attached 63735 Complaint - 5 pages

## Continuation

Case No. 4:20-cv-00437-SRB

EXHIBIT INDEX

142				4/7/20 M. Johnson email to S. Corbly re OK Policyholder Letter with attachments - 6 pages
143				4/22/20 T. Huntington email to S. Corbly re COVID-19 Request for Information - 4 pages
144				4/21/20 S. Corbly email to T. Purdy re CA BIS 2020 - Group -0244 with attached CA Business Interruption Survey Cincinnati revised - 3 pages
145				3/24/20 T. Huberty email to S. Corbly re Covid 19 and Business Income Article with attached New Jersey COVID19 Business Income - 3 pages
146				4/1/20 S. Corbly email to Policy@oic.wa.gov re COVID-19 SPECIAL REPORT NAIC #10677, 28665 and 23280 with attached WA COVID 19 policy count and WA Policyholder Letter Electronic 3-31-20 - 4 pages
147				3/18/20 M. Johnson email to S. Johnston and S. Spray re NY DFS Policyholder letter with multiple attachments - 8 pages
148				3/11/20 T. Huberty email to S. Corbly re Mgr Meeting Minutes - - UW Coverage Detail for Biz Income triggers with attached Coronavirus for UW - 6 pages
149				3/18/20 K. Yerigan email to S. Corbly re New York Department of Financial Services Coronavirus Special Call with attached ISO Circular - 9 pages
150				4/21/20 S. Corbly email to K. Yerigan re CA BIX 2020 - Group 0244 with attached CA Business Interruption Survey Cincinnati revised - 3 pages
151				3/21/20 E. Hill email to M. Hinton re Coronavirus Claims with attached Covid ROR example - 12 pages
152				2/11/21 T. Schmittou email to multiple parties re Leasing company's virus-related lost income suit proceeds - 8 pages
153				3/23/21 M. Broerman email to self re ALSO SEE VIRUS-INS emails - ISO FW: ISO Exclusion of Loss Due to Virus or Bacteria - 2 pages
154				4/15/20 M. Broerman email to self re ISO Exclusion of Loss Due to Virus or Bacteria - TIM sign-off - we won't adopt - 2 pages
155				2/10/20 T. Schmittou email to M. Broerman re ISOnet Circular Alert Service - Coronavirus - 2 pages
156				3/24/20 T. Huberty email to S. Williams and D. Groff re COVID-19 Coverage Questions - 9 pages
157				4/3/20 M. Broerman email to self re ISOnet Circular Alert Services - Advisory Notice - CP, BOP, Farm with attached LI-CF-2020-033 Advisory Notice CP - 12 pages
158				5/4/20 J. Bradburn email to M. Broerman re delayed - 3 pages
159				3/23/20 J. Ritchie email to T. Swanson re RED FEATHER, LLC - CLAIM ADDENDUM INFORMATION - CLAIM #3519468 - 3 pages
160				9/24/20 M. Acevedo email to C. Dowdy re Hospitality Cover Plus with attached Good Missouri case and Good NJ transcript - 50 pages
161				5/8/20 C. Dowdy email to M. McKnight re IL20-04449 Complaint Documents - Illinois Department of Insurance with attached IL Consumer Complaint, IL DOI Complaint Letter and Insurance Dept. Complaint Form - 91 pages
162				3/18/20 K. Roop email to T. Swanson re GA Dept of Insurance on Coronavirus with attached Bulletin-3172020-1619 - 4 pages



## Continuation

Case No. 4:20-cv-00437-SRB

**EXHIBIT INDEX**

163				8/17/20 C. Dowdy email to K. Fredrick re claims... - 6 pages
164				3/18/20 B. Callentine email to T. Swanson and C. Dowdy re BI claim discussions - 3 pages
165				3/24/20 M. Briscoe email to C. Dowdy re COVID019 with attached 3-24-20 Stay Home Work Safe Order by the County Judge - 23 pages
166				1/19/21 M. Farley email to P. Filtyn re Oll Legal Committee: Request for Amicus in Neuro-Communications Services v. Cincinnati Insurance BUSINESS INTERRUPTION - 3 pages
167				11/11/20 C. Kennedy email to P. Foltyn re Clips: Nation's 1st COVID-19 Business-Interruption Suit Headed to Trial - 3 pages
168				12/15/20 S. Givler email to R. Klimkowski and A. Delaney re Competitive Edge Sales Department Newsletter - December Edition - 17 pages
169				3/29/21 D. Selembo email to multiple parties re Communicable Disease Exclusion Guidance with attached Communicable Disease Exclusion Guidance April 2021 - 3 pages
170				12/21/20 S. Givler email to C. Chavers re Interesting approach to filing a virus exclusion
171				12/31/20 S. Givler email to D. Groff re CSU Property and Casualty Reinsurance Renewals with attached Memorandum of Understanding - 4 pages
172				12/16/20 K. Getz email to S. Givler re Competitive Edge Sales Department Newsletter - December Edition - 20 pages
173				3/20/20 A. Delaney email to #PC-Field Representatives re Agent Communication with attached Agency portal update - March 20 - 3 pages
174				T. Huberty email to S. Givler re Global Case - 2 pages
175				5/26/20 J. McClain email to K. Yerigan re COVID-19 PROPERTY/CASUALTY BUSINESS INTERRUPTINO DATA CALL with attached copy of COVID BI PREMIUMS spreadsheet - 6 pages
176				4/2/20 M. Zimmerman email to T. Huberty re David Selembo re GoToWebinar - Potential Coverage Implications Surrounding COVID-19 - 38 pages
177				4/3/20 M. Phillips email to multiple parties re Requests for confirmation that our CGL doesn't contain a virus exclusion
178				2/20/20 T. Schmittou email to T. Huberty, B. Lecky, G. Koch and R. Klimkowski re BI loss triggered by Coronavirus - 4 pages
179				3/4/20 T. Schmittou email to T. Swanson re PP for UW Explaining lack of coronavirus coverage - 2 pages
180				2/6/20 D. Kahn email to multiple parties re Coronavirus - Advance Copy of Commercial Property Circular with attached circular - 11 pages
181				3/10/20 T. Schmittou email to T. Huberty re Coronavirus Insurance - Legal Alert - 3 pages
182				3/6/20 S. Spray email to L. Love re COVID-19 with attached Tech Talk Coronavirus and Commercial Business Shutdown Covered or Not - 14 pages
183				10/28/20 D. McDaniel email to multiple parties re KBW post-call report on 3Q20 CINF results with attachment - 10 pages
184				5/20/20 CPCU Society email to R. Taphorn re CPCU All Members Forum Digest for Tuesday May 19, 2020 - 21 pages



## Continuation

Case No. 4:20-cv-00437-SRB

EXHIBIT INDEX

185				2/20/20 T. Huberty email to J. McClain re Preparing for Coronavirus with attachment - 12 pages
186				2/11/21 T. Schmittou email to multiple parties re Leasing company's virus-related lost income suit proceeds - 8 pages
187				3/24/20 T. Huberty email to S. Williams and D. Groff re COVID-19 Coverage Questions with attached Guidance Needed: Protective Safeguards/Vacancy Clauses/Remote Workers - 6 pages
188				3/13/20 T. Fickling email to T. Huberty re Coronavirus.pdf - ok to share with agents? with attached coronavirus - not covered explanations - 6 pages
189				12/5/20 D. Selembo email to R. French re Casualty Follow up - Swiss RE and Cincinnati Call - 5 pages
190				10/1/20 A. Delaney email to S. Givler re Loss Control Inspections suspended for clients with COVID BI Claims with attached BI Claim Concerns Guidance 09-28-2020 - 6 pages
191				Minnesota COVID-19 Response - 4 pages
192				Response to NY DFS Request - 2 pages
193				4/16/20 J. Wells/Cincinnati Insurance letter to YMCA of Henderson County with coverage decision - 12 pages
194				2006 Endorsement re Exclusion of Loss Due to Virus or Bacteria
195				Various endorsements for exclusion - 43 pages
196				8/17/20 S. Berns/Cincinnati Insurance letter to Harbinger LLC dba Brewery Emperial, LLC regarding claim - 9 pages
197				11/23/20 Order Granting Plaintiff's Motion for Partial Summary Judgment re Coverage Grant in Perry Street Brewing Company, LLC v. Mutual of Enumclaw Insurance Company - 6 pages
198				10/30/20 S. Berns/Cincinnati Insurance letter to D. Curry re coverage decision regarding claim by Harbinger LLC dba Brewery Emperial CBE LLC - 9 pages
199				5/14/20 Senior Leader Key Messages - 2 pages
200				4/7/20 Cincinnati Financial Core Margins Beat; However, Mgt. Relying Solely On The BI Property Damage Exclusion - 7 pages
201				7/26/06 ISO Circular - New Endorsements to Address Exclusion of Loss Due to Virus or Bacteria Filed - 10 pages
202				7/26/06 ISO Circular - New Rules to Address Exclusion of Loss Due to Virus or Bacteria Filed - 11 pages
203				2/7/20 ISO Circular - Advisory Endorsements Furnished But Not Filed: Business Interruption Options for Limited Civil Authority Coverage Related to Coronavirus - 10 pages
204				5/1/20 Cincinnati Financial Corporation COVID-19 Commentary
205				Document containing rationale for no virus exclusion
206				7/28/06 ISO Circular - Forms and Rules to Address Exclusion of Loss Due to Virus or Bacteria Being Implemented in Several Jurisdictions - 6 pages
207				7/6/06 ISO Circular - New Endorsements Filed to Address Exclusion of Loss Due to Virus or Bacteria - 12 pages
208				11/15/04 ISO Circular - Commercial Property Panel Agenda Closed - 31 pages
209				Paycheck Protection Program Borrower Application Forms for various entities - 11 pages

## Continuation

Case No. 4:20-cv-00437-SRB

EXHIBIT INDEX

210				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Arena Promotions LLC
211				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Barley's Brewhaus LLC
212				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Barleys, Ltd.
213				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Briarcliff Events LLC
214				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Hopps Catering LLC
215				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for O'Dowds LLC
216				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Pan Fried 2, LLC
217				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for South East KC Restaurant Co., LLC
218				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Falcon Ridge Restaurant LLC
219				5/3/21 Notice of Paycheck Protection Program Forgiveness Payment for Hopps Management Co LLC
220				8/6/21 Jackson County Executive Order - 4 pages
221				8/19/21 Kansas City Council rescission of Order 21-01 - 5 pages
222				8/20/21 Kansas City Missouri Health Department on Ordinance 210694 as it relates to restaurants and taverns - 2 pages
223				8/27/21 Missouri Governor's Executive Order EO 21-09
224				9/17/21 Supplemental Expert Report of Kevin Grudzien with exhibits - 721 pages
225				8/25/21 Kansas City Star article, "Newly reported COVID death in Kansas county may be the first known in US"
226				Goodman Expert File – 981 pages
227				PYXIS File (supporting documentation) – 29 pages
228				Thomann File (405 pages)
229				Recent Depositions for Dr. Wayne Thomann
230				Armitage Case List 2020 – 2 pages
231				Keith Armitage Case List 2019 – 11 pages
232				4/28/21 Keith Armitage, MD Final Report – 3 pages
233				Keith Armitage, MD Curriculum Vitae – 18 pages
234				Cincinnati Insurance Policy - 470 pages
235				10/5/20 Cincinnati's Responses to First Interrogatories - 7 pages
236				2/5/20 Plaintiff's Responses and Objections to First Request for Production - 14 pages
237				2/5/21 Plaintiff's Responses and Objections to First Set of Requests for Admissions - 36 pages
238				10/21/20 Cincinnati's Initial Rule 26 Disclosures - 5 pages
239				10/21/20 Plaintiff's Initial Rule 26 Disclosures - 5 pages
240				4/30/21 Defendant Expert Disclosures - 4 pages
241				5/26/21 Defendant's Supplemental Expert Witness Disclosure - 4 pages
242				3/29/21 Plaintiff's Expert Witness Disclosures

## Continuation

Case No. 4:20-cv-00437-SRB

**EXHIBIT INDEX**

243				Paycheck Protection Program Second Draw Loans
244				Paycheck Protection Program Borrower Application Form Revised June 12, 2020 – 4 pages
245				SBA Restaurant Revitalization Funding Application – 16 pages
246				6/9/21 D. Litchfield email to M. Lytle re KC Hopps (Dowdy Dep Ex 1) - 3 pages
247				Claim file re KC Hopps Ltd (Dowdy Dep Ex 2) - 29 pages
248				6/4/20 Complaint, K.C. Hopps, Ltd. v. The Cincinnati Insurance Company, Inc. (Dowdy Dep Ex 3) - 27 pages
249				6/4/20 ISO Match Report (Dowdy Dep Ex 4) - 6 pages
250				5/15/20 N. Jones letter to KC Hopps LTD re coverage decision (Dowdy Dep Ex 5, Nelson Dep Ex 11) - 8 pages
251				4/10/20 N. Jones letter to KC HOPPS LTD to advise he will be handling claim (Dowdy Dep Ex 6)
252				4/2/20 ISO Match Report (Dowdy Dep Ex 7) - 23 pages
253				4/1/20 R. Clark letter to D. Lygrisse/KC Hopps re claim (Dowdy Dep Ex 8, Nelson Dep Ex 10) - 9 pages
254				1/25/20 Common Policy Declarations for Policy # EPP 012 40 51/EBA 012 40 51 (Dowdy Dep Ex 9) - 59 pages
255				All pleadings, filings and any document attached to any filing in this case.
256				Demonstrative and/or Summary exhibits
257				Documents listed on Defendant's Exhibit List
258				Documents used for impeachment or rebuttal
259				All documents disclosed or produced by any designated expert
260				All documents produced by either party in this case
261				All documents marked as an exhibit to any deposition taken in this case

Date: September 17, 2021

**STUEVE SIEGEL HANSON LLP**

*s/ Patrick J. Stueve*

---

Patrick J. Stueve, MO #37682  
Bradley T. Wilders, MO #60444  
Curtis Shank, MO #66221  
Abby E. McClellan, MO Bar # 66069  
460 Nichols Road, Suite 200  
Kansas City, Missouri 64112  
Telephone: 816-714-7100  
Facsimile: 816-714-7101  
Email: stueve@stuevesiegel.com  
Email: wilders@stuevesiegel.com  
Email: shank@stuevesiegel.com

**MILLER SCHIRGER LLC**

John J. Schirger, MO # 60583  
Matthew W. Lytle, MO #59145  
Joseph M. Feierabend, MO #62563  
4520 Main Street, Suite 1570  
Kansas City, MO 64111  
Telephone: (816) 561-6500  
Facsimile: (816) 561-6501  
Email: jschirger@millerschirger.com  
Email: mlytle@millerschirger.com  
Email: jfeierabend@millerschirger.com

**LANGDON & EMISON LLC**

J. Kent Emison, MO #29721  
911 Main Street  
PO Box 220  
Lexington, Missouri 64067  
Telephone: (660) 259-6175  
Facsimile: (660) 259-4571  
Email: kent@lelaw.com

**SHAFFER LOMBARDO SHURIN, P.C.**

Richard F. Lombardo, MO# 29748  
2001 Wyandotte Street  
Kansas City, MO 64108  
Telephone: 816-931-0500  
Facsimile: 816-931-5775  
Email: rlombardo@sls-law.com

*Attorneys for Plaintiff\*